

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **Butte-Silver Bow City/County**  
**126 W Granite St**  
**Butte MT 59701-9216**
2. Type of action: **Application to Change a Water Right No. 30013721-76G**  
**(Statement of Claim Nos. 76G-91528; 91530; 91531; 91557; 124864;**  
**124867; 124868; 124869; 124870; 124871; 124872; 126480; 126484;**  
**126508)**
3. Water source name: **Warm Springs Creek, Silver Bow Creek, the Clark Fork River**
4. Location affected by action: **The water rights involved in this change are part of the Silver Lake Water System which consists of direct-flow and storage water rights, along with associated reservoirs and pipelines. Generally, this application will begin at the Silver Lake Dam located in the SWSESW of Sec 22, Twp 5N, Rge 13W, Deer Lodge County. It will end at the Clark Fork River USGS gaging Station at Gold Creek (No. 12324680) located in the NWSESW of Sec 25, Twp 10N, Rge 11W, Powell County.**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:  
**The Silver Lake Water System (SLWS) consists of direct-flow and storage water rights along with associated reservoirs and pipelines. Butte-Silver Bow allocates the water supplies available from this system by water service agreements. Under the water service agreements, various water rights are earmarked for specific users and classes of uses, so that each user under Butte-Silver Bow's municipal system can evaluate the reliability of his supply out of the SLWS.**

**The purpose of this project is the enhancement and maintenance of instream flows that are required to sustain the important fisheries in the Upper Clark Fork and its principal tributaries. Water released from storage may be used to supplement the supply of water available in-priority for existing uses in the Upper Clark for River and/or to supply a new user with his full water requirements. Water released from storage to sustain a fishery may be used where that water is most required: Silver Bow Creek and/or Warm Springs Creek and/or the Clark Fork River. The specific place of use for instream flow uses is confined to the Clark Fork River and its confluence with Gold Creek, together with Warm Springs Creek and Silver Bow Creek.**

**The maximum flow rate and volume amount allowed by this change application for instream flow enhancement to benefit the fisheries is 40 cfs up to 15,580 acre-feet per year.**

Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

None

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant impact.**

**There will be no impact to water quantity in any of the sources that are considered part of this change, namely Warm Springs Creek and/or Silver Bow Creek and/or the Clark Fork River.**

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant impact.**

**There will be no impact to water quality in any of the sources that are considered part of this change, namely Warm Springs Creek and/or Silver Bow Creek and/or the Clark Fork River.**

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No significant impact.**

**There will be no impact to groundwater quality or supply.**

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant impact.**

**The Silver Lake Water System constitutes a reasonable means of diverting water. The means of diversion, construction and operation of the diversion works are adequate. The proposed project will not impact well construction, dams, riparian areas and barriers, flow modifications or channel impacts.**

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant impact.**

**The proposed project will not impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife.**

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **Not applicable. There are no wetlands involved with this project.**

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **Not applicable. There are no ponds involved with this project.**

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No significant impact.**

**This project is for instream flows to enhance fisheries and water quality.**

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No significant impact.**

**This project is for instream flows to enhance fisheries and water quality. The proposed project will not result in the establishment of noxious weeds.**

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No significant impact.**

**This project is for instream flows to enhance fisheries and water quality.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact.**

**This project is for instream flows to enhance fisheries and water quality.**

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No significant impact.**

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No impact.**

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No impact.**

**This project is for instream flows to enhance fisheries and water quality.**

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: **No impact.**

**This project is for instream flows to enhance fisheries and water quality.**

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes \_\_\_ No X.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**
- (c) Existing land uses? **No significant impact.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances?

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts **No significant adverse secondary impacts have been identified at this time. The proposed project is for instream flows to enhance fisheries and water quality.**

Cumulative Impacts **No significant adverse cumulative impacts have been identified at this time. The proposed project is for instream flows to enhance fisheries and water quality.**

3. Describe any mitigation/stipulation measures: **No mitigation or stipulation measures have been discussed at this time.**
4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: **There are no reasonable alternatives to the proposed action. Releasing storage water into Silver Bow Creek and/or Warm Springs Creek and/or the Clark Fork River would enhance the fisheries and benefit water quality.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the authorization for the proposed project.**
2. Comments and Responses: **No comments have been received at this time.**
3. Finding:  
Yes \_\_\_ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **An environmental assessment is the appropriate level of analysis for this proposed action because no significant environmental impacts were identified.**

Name of person(s) responsible for preparation of EA:

Name: **Kathy Arndt**

Title: **Water Resources Specialist**

Date: **August 21, 2006**